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CENTRAL INTELLIGENCE AGENCY

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The President
The White House
Washington, D. C.

My dear Mr. President:

I am much concerned with legislation now under consideration in the Congress because of its potential impact on the security of the Central Intelligence Agency and on the departments and agencies forming the intelligence community. A version of this legislation was passed by the Senate last year as S. 1035. It is now to be considered in the House where hearings are scheduled before the Subcommittee on Manpower and Civil Service of the Committee on Post Office and Civil Service. The bill is designed to protect the civilian employees of the Executive Branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted Government invasion of their privacy. Obviously I am in agreement with these aims but not with some of the provisions which, in my opinion, would be detrimental to the national security.

Some of these provisions would prevent us from inquiring into the personal associations, activities, finances, and habits of employees or applicants. Our experience over the last 20-odd years demonstrates

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that it is essential to consider these matters carefully in order to assure an adequate personnel security program and to counter the efforts of hostile intelligence operations of which our intelligence community is the prime target. Partial exemptions were given to this Agency, the Federal Bureau of Investigation, and the National Security Agency to enable partial utilization of polygraph examinations and psychological testing which are also an integral part of our personnel security program and Senator Ervin, the sponsor of the Senate bill, is said to have taken the position that these partial exemptions are adequate for our purposes. I disagree, but more important and of the greatest concern are provisions of the bill which authorize any employee or applicant who considers himself affected or aggrieved by the violation of any of the above restrictions to bring suit in a U. S. District Court to prevent the threatened violation or to obtain redress against the consequences of the violations without regard to whether the aggrieved person shall have exhausted any administrative remedies provided by law. Aside from the administrative and legal problems involved such suits would inevitably entail serious security problems and could open the door to legal harrassment of significant proportions.

Equally troublesome is the establishment of a Board on Employees' Rights which would have the authority to receive and investigate written complaints on behalf of any person claiming to be affected or aggrieved

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by any violation of the Act and to hold hearings on the complaint. If the Board found that a violation had been committed or threatened they would have authority to suspend the officer they considered guilty of the violation or, in the case of a second offense, could order the removal of the offending officer. Again the Board proceedings would present formidable security problems particularly as the Board is required to report to Congress annually concerning the nature of all complaints, the Board's determinations and orders resulting therefrom, and the names of all officers or employees with respect to whom any penalties have been imposed.

In my opinion the only assurance of adequate protection for sensitive intelligence information relating to the national security is a complete exemption from any such bill for the FBI, CIA, NSA, and the other agencies of the intelligence community. We are seeking such an exemption but we are reliably informed that there are strong pressures to have the bill enacted in its present form. I am sufficiently concerned to recommend that the full weight of the Executive Branch be behind such an exemption.

A more detailed analysis of this legislation is contained in the enclosed letter, the original of which was sent to Mr. Rivers, the Chairman of the Committee on Armed Services and of the CIA

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Subcommittee, on 25 September 1967, at his request. The Department of Defense shares my concern and has written to the Director of the Bureau of the Budget stating their objections. Since the Department of State is a principal recipient of most highly classified intelligence information, I would assume that the effect of the bill on its personnel programs would be a matter of concern as well.

Respectfully,

/s/ Richard Helms

Richard Helms
Director

Enclosures - 2

Letter to Chairman Rivers from the
Director of Central Intelligence,
dated 25 September 1967
S. 1035

cc: Secretary of State
Secretary of Defense
Director, Bureau of the Budget
✓ Chairman, President's Foreign
Intelligence Advisory Board
Chairman, Civil Service Commission

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